

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2020-152-E**

**IN RE:**

**SOUTH BAY AT MOUNT PLEASANT, LLC  
 PETITION FOR EXCEPTION  
 TO REGULATION 103-327(A)**

**CONSENT ORDER AGREEMENT**

Subject to the acceptance of the terms of this Stipulation by the Public Service Commission of South Carolina (the “Commission”), it is hereby stipulated and agreed by and between South Bay at Mount Pleasant, LLC (“South Bay”) and Dominion Energy South Carolina, Inc. (“DESC”) as follows:

1. South Bay owns and operates South Bay at Mount Pleasant, which is a Continuing Care Retirement Community (“South Bay CCRC”).
2. South Bay CRCC opened in 2018, and since that time has offered independent living units as well as assisted living units and skilled nursing/memory care living units.
3. On June 15, 2020, South Bay filed its Petition with Verification for Exception to Regulation 103-327(A) (“the Petition”). The Petition seeks an Order of this Commission:
  - (1) Excepting South Bay CCRC from the individual metering requirement of S.C. Code Ann. Regulation 103-327(A), because the Petitioner is not constructing a “new multi-occupancy residential premises” subject to the Regulation; or
  - (2) In the alternative, excepting South Bay CCRC from the individual metering requirement of Regulation 103-327(A), because individual metering at Petitioner’s property is impractical and unreasonable.

Petition at pp. 1 and 9.

4. On July 24, 2020, DESC filed a Response to the Petition averring that Regulation 103-327(A) was adopted to ensure public safety and promote the safety and reliability of electric power delivered to customers, and that a master meter configuration would not likely afford the residents of South Bay certain customer protections provided by South Carolina law. DESC objected to the Petition, but argued in the alternative that if the Commission granted an exception to South Bay, any such exception should be conditioned “on South Bay assuming all responsibility and liability associated with the delivery of energy beyond the master meter.” DESC Response at 1.
5. DESC informed South Bay through correspondence and filings in this Docket of its belief that the garden flats are not eligible for master meter service.
6. DESC informed South Bay through correspondence and filings in this Docket of its belief that South Bay does not meet the criteria for an exception to Regulation 103-327(A).
7. South Bay disagrees with DESC’s position and represents it can deliver power safely and reliably from the master meter.
8. Having conferred in an attempt to resolve this matter without the need for a Commission Order, South Bay and DESC have agreed as follows and by presenting the same to this Commission seek its approval by Order adopting this Stipulation:
  - A. South Bay CRCC is located within the DESC service area in Mount Pleasant, South Carolina, and currently receives electric service from DESC as a single metered commercial customer.
  - B. The existing structures on the South Bay CRCC campus include a common area facility that houses a dining room, library, pub, art studio, aquatics center, and a spa. Two wings extend from the common area. The independent

living wing includes 143 living units and the healthcare wing includes 120 living units.

- C. The plan for South Bay CRCC has always included living units referred to as “garden flats.” The garden flat living units were included in the original master plan. They will be located within a centralized location just across a lawn from the main building.
  - D. In May of this year, South Bay CRCC broke ground and began constructing the first 18 garden flats, which should be completed by July 2021.
  - E. South Bay wishes to continue constructing the garden flats already under construction and its future garden flats as designed and seeks to include the units within the master meter measuring consumption by the South Bay CRCC property as a whole.
  - F. DESC and South Bay agree that DESC will deliver power to the master meter at which point South Bay will take control and assume all liability and responsibility related to the delivery of power at or beyond the master meter, and will hold DESC harmless for the same.
  - G. Neither this Stipulation nor the Order approving such alters or otherwise amends DESC’s General Terms and Conditions, as approved by the Commission and currently in effect.
9. As indicated by the consent below, DESC and the South Carolina Office of Regulatory Staff each consent to the issuance of an exception to South Bay upon the terms of this Proposed Order, which shall resolve Commission Docket 2020-152-E.<sup>1</sup>

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<sup>1</sup> DESC reiterates the importance for Regulation 103-327 and specifically limits its consent to the unique circumstances presented in the instant case.

10. South Bay respectfully requests the Commission accept this stipulation and issue an order granting South Bay an exception of Regulation 103-327 so that it can be served via a master meter.

FOR THE PETITIONER, WE CONSENT:

/s/ Thomas P. Gressette, Jr.

**Thomas P. Gressette, Jr.**

**WALKER GRESSETTE FREEMAN & LINTON, LLC**

August 13, 2020

FOR THE INTERVENOR, WE CONSENT:

/s/ J. Ashley Cooper

**J. Ashley Cooper**

**PARKER POE ADAMS & BERNSTEIN LLP**

August 13, 2020